

Agricultural Marketing Service, USDA

§ 947.130

§ 947.86 Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 947.87 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 947.88 Amendments.

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

Subpart—Rules and Regulations

SOURCE: 22 FR 8176, Oct. 16, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

GENERAL

§ 947.100 Communications.

Unless otherwise provided in the marketing agreement and order (§§ 947.1 to 947.88), or by specific direction of the committee, all reports, applications, submittals, requests, and communications in connection therewith shall be addressed to the committee at its principal office.

DEFINITIONS

§ 947.110 Order.

Order means Order No. 947, as amended (§§ 947.1 to 947.88), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon, except Malheur County.

§ 947.111 Marketing agreement.

Marketing agreement means Marketing Agreement No. 114, as amended.

§ 947.112 Terms.

Terms used in this subpart shall have the same meaning as when used in said marketing agreement and order.

§ 947.113 Area determinations.

Immediate production area, and *immediate shipping area*, respectively, are each synonymous with *district*.

§ 947.114 Fiscal period.

The fiscal period shall begin July 1 of each year and end June 30 of the following year, both dates inclusive.

[62 FR 27171, May 19, 1997]

EXEMPTIONS

§ 947.120 Hardship exemption.

Handlers seeking an exemption pursuant to the provisions of §§ 947.65–947.67 shall make application to the committee on forms furnished by it. All information and conditions relative to the application will be considered promptly. The decision of the committee shall be final subject to the appeal procedures prescribed in § 947.67.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.120 was suspended indefinitely, effective July 1, 2000.

§ 947.123 Reports and records.

Any person handling potatoes under § 947.120 shall record and report shipments in such frequency as the committee may prescribe.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.123 was suspended indefinitely, effective July 1, 2000.

SAFEGUARDS

§ 947.130 Special Purpose Certificates—application and issuance.

Each person handling potatoes for special purposes under safeguard requirements imposed pursuant to this part shall apply to the committee for a Special Purpose Certificate. The committee shall make available, on request, the forms for such application as well as such report forms as it may require under § 947.132.

[39 FR 2270, Jan. 18, 1974]

§ 947.132

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.130 was suspended indefinitely, effective July 1, 2000.

§ 947.132 Reports.

(a) *Immature potatoes.* The applicant shall identify the producer and the dates on which such potatoes will be handled in his application for a Special Purpose Certificate.

(b) *Certified seed.* A special purpose shipment report shall be required for each load of certified seed when shipped outside the district (§ 947.18) where grown. The shipper of such certified seed potatoes shall return the completed form to the committee within the time period prescribed on such forms.

(c) *Livestock feed.* (1) The committee may require the applicant to furnish information specifying the location where the potatoes are to be consumed, the anticipated quantity of potatoes to be so handled, the total acreage from which the feed will be derived and the approximate starting and ending dates for such shipments.

(2) Any person handling potatoes for this purpose shall record and report the volume handled at such intervals as the committee may prescribe.

[39 FR 2270, Jan. 18, 1974, as amended at 56 FR 55986, Oct. 31, 1991]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.132 was suspended indefinitely, effective July 1, 2000.

§ 947.133 Denial and appeals.

(a) The committee may suspend a handler's Special Purpose Certificate for a period of 30 days for failure to report as required by § 947.132.

(1) A handler who has had two or more certificates suspended or his certificate suspended twice within the preceding two year period may be refused a Special Purpose Certificate. The committee also may revoke for a period of up to one year the Special Purpose Certificate of any handler who has had his certificate suspended twice within a marketing season.

(2) [Reserved]

(b) Upon refusal, suspension or revocation of a Special Purpose Certificate, the handler may make a written appeal for reconsideration of the decision to the committee. The Chairman

7 CFR Ch. IX (1-1-06 Edition)

shall direct that the committee immediately reconsider the action.

[39 FR 2270, Jan. 18, 1974]

EFFECTIVE DATE NOTE: At 65 FR 42278, July 10, 2000, § 947.133 was suspended indefinitely, effective July 1, 2000.

§ 947.134 Establishment of list of manufacturers of potato products.

(a) The committee shall establish and maintain in its office a list of firms who are manufacturers of potato products handled pursuant to § 947.54(a)(5)–(7) inclusive. Such list may consist of firms actively engaged in the business of canning, freezing, or “other processing” as defined in the act; or prepeeling as described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(b) Persons who wish to be placed on the committee's list of manufacturers of potato products may apply to the committee and shall supply the following information:

(1) Name and address of applicant;

(2) Location and description of facilities for commercial processing of potatoes into products;

(3) Expected source of potatoes for commercial processing into products;

(4) Certification to the Secretary that potatoes received for processing will not be diverted to the fresh market,

(5) Such other information as the committee, with the approval of the Secretary, may deem necessary.

Upon receipt of an application for such listing, the Oregon-California Potato Committee shall make such investigation as it deems necessary, and if it appears that the applicant may reasonably be expected to use potatoes covered by the application in accordance with and to comply with the requirements of this section, it shall place the person's name on the Oregon-California Potato Committee's list of manufacturers of potato products.

(c) If shipment is to a person whose name is not on the committee's list of manufacturers, the handler must provide evidence to the committee prior to shipment that the potatoes will be used only for processing into products.